

REMARKS

Claims 1, 6-10, 18-25, 27, 28, 30-37 and 39-43 are pending in this application. Claims 1, 28, and 35 are independent claims and have been amended. No new matter has been introduced by way of these amendments. Favorable reconsideration of the action mailed on May 8, 2007 is respectfully requested in view of the foregoing amendments and following comments of the Applicants, which are preceded by related comments of the Examiner in small, bold type:

Claim Rejections – 35 USC §103(a)

2. Claims 1, 6-8, 18-21, 27, 28, 30-32, 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Nishimoto et al.

Amended independent claim 1 is directed to an apparatus for remote inspection of emergency equipment. The equipment is installed at one or a system of emergency equipment stations. The apparatus includes a detector that is located at an emergency equipment station for detection of the presence of an obstruction to viewing of or access to the emergency equipment station. The detector includes a sonar module. The apparatus also includes a defibrillator station with a portable defibrillator and a fire extinguisher station with a portable fire extinguisher, both located at the emergency equipment station. The portable fire extinguisher includes a fire extinguisher gauge for detecting and displaying pressure conditions of fire extinguishing material contained within a volume of a tank included in the portable fire extinguisher. The apparatus further includes an electronic circuit in communication between the detector and a remote central station. The electronic circuit can issue a signal to the remote central station upon detection of the obstruction to viewing of or access to the emergency equipment station or upon detection of one or more predetermined conditions selected from predetermined internal conditions and predetermined external conditions, including, e.g., a low pressure condition of fire extinguisher contents.

Referring to FIGS. 2 and 3, and to the detailed description of the subject application, a remote inspection apparatus is described that comprises a fire extinguisher

station with a portable fire extinguisher located at the emergency equipment station. The application reads:

“As an example of a remote inspection apparatus 10 of the invention, in FIG. 2, a portable fire extinguisher 12 is shown mounted to a wall, post, or other support surface, W, at a fire extinguisher station 16 in a system of fire extinguisher stations 14, and in FIG. 3, another portable fire extinguisher 12 is shown mounted within a wall box or cabinet, C, at another fire extinguisher station 16 in the system of fire extinguisher stations 14. In this embodiment, the fire extinguisher 12 at each fire extinguisher station 16 is releasably connected to a docking station 30 by an electronics and communications tether 32 to provide a releasable engagement for electronics and/or communications connection between the docking station 30 and the portable fire extinguisher(s) 12 at each of the fire extinguisher stations 16. Typically signals issued from or to the fire extinguisher 12 are transmitted over the electronics and communication tether 32.” [pg 5, line 24 – pg 6, line 4]

Referring to FIG. 1 and 4, and to the detailed description of the subject application, a remote inspection apparatus is described that comprises an electronic circuit able to transmit information between the detector and a remote central station, upon detection of one or more predetermined internal conditions and predetermined external conditions. The application reads:

“Referring now to FIG. 4, the remote inspection apparatus 10 includes an electronics and communications circuit 94, e.g., disposed primarily within the docking station 30, for initiating signals to the remote central station 26 upon detection of predetermined internal and/or predetermined external conditions. For example, referring again to FIG. 1, in the preferred embodiment, the circuit 94 issues a signal 100 or a signal 102 upon detection of a predetermined external condition, e.g., lack of presence of the fire extinguisher 12 at its installed position at the fire extinguisher station 16, when the fire extinguisher 12 is removed from, or moved within, the fire extinguisher station, thereby disengaging the tether 32 from the connection with the fire extinguisher 12, and disrupting the closed connection 80 (signal 100), or an obstruction to viewing of or access to a fire extinguisher station 16 (signal 102). The circuit 94 also issues a signal 104 upon detection of a predetermined internal condition, e.g., existence of an out-of-range, e.g., low, pressure condition of the fire extinguishing material contained within the tank of the fire extinguisher 12.” [Pg. 7, lines 1 – 13]

As such, a remote inspection apparatus is described that may transmit information to a remote central station, upon detection of predetermined internal and external conditions, including a low pressure condition of fire extinguisher contents.

The applied art is not understood to disclose or suggest some of the features of amended independent claim 1. Morgan teaches a defibrillator system using multiple external defibrillators and a communication network. Nishimoto teaches an obstruction detecting apparatus. Neither Nishimoto nor Morgan discloses or suggests "a fire extinguisher station with a portable fire extinguisher located at the emergency equipment station, wherein the portable fire extinguisher includes a fire extinguisher gauge for detecting and displaying pressure conditions of fire extinguishing material contained within a volume of a tank included in the portable fire extinguisher," as required by amended independent claim 1.

For at least these reasons, amended independent claim 1 is believed to be patentable.

The dependent claims 6-8, 18-21, 27 partake the novelty of their parent claim, amended claim 1. Therefore they are believed to be patentable.

Amended independent claim 28 is directed to an emergency station that comprises a portable defibrillator, a portable fire extinguisher "wherein the portable fire extinguisher includes a fire extinguisher gauge for detecting and displaying pressure conditions of fire extinguishing material contained within a volume of a tank included in the portable fire extinguisher," a detector for detection of access to a removal of the defibrillator or portable fire extinguisher, a detector for detection of the presence of an obstruction to viewing of or access to the portable defibrillator or the portable fire extinguisher, and a circuitry for transmitting a signal to a remote station upon detection of a low batter condition or upon detection of one or more predetermined conditions selected from predetermined internal or external conditions. For at least the same reasons as stated for claim 1, amended independent claim 28 is believed to be patentable.

The dependent claims 30-32 and 40-43 partake the novelty of their parent claim, claim 28. Therefore they are believed to be patentable.

Claim Rejections – 35 USC §103(a)

4. Claims 9, 10, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Nishimoto et al. as applied to claims 1, 6-8, 18-21, 27, 28, 30-32, 40-43 above, and further in view of Rockwell et al.

The dependent claims 9, 10, and 22-25 partake the novelty of their parent claim, amended independent claim 1. Rockwell is understood to teach a defibrillator with wireless communication capability. As such, Rockwell does not disclose or suggest a fire extinguisher station with a portable fire extinguisher located at the emergency equipment station.

For at least this reason and the reasons stated for claim 1, the dependent claims 9, 10, and 22-25 are believed to be patentable.

Claim Rejections – 35 USC §103(a)

5. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Nishimoto et al. as applied to claims 1, 6-8, 18-21, 27, 28, 30-32, 40-43 above, and further in view of Cronin et al.

The dependent claims 33 and 34 partake the novelty of their parent claim, amended claim 28. Cronin is understood to teach a protective defibrillator storage device with alarm signals. Cronin does not disclose or suggest an emergency equipment station that comprises a portable fire extinguisher.

For at least this reason and the reasons stated for claim 28, the dependent claims 33 and 34 are believed to be patentable.

Claim Rejections – 35 USC §103(a)

3. Claim 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Cronin et al. in view of Nishimoto et al. Cronin et al. teaches all the limitations of the claims except for a detector for detection of the presence of an obstruction to viewing the emergency equipment station. However, Nishimoto et al. discloses an obstruction detector that including ultrasonic transmitter and receiver 16-19 and an electronic circuit 35-42 for transmitting a signal to a controller 20. Therefore, it would have been

obvious to one having ordinary skill in the art to have provided the device of Morgan et al. with a sonar detector for detection of the presence of an obstruction to viewing as suggested by Nishimoto et al. Doing so would provide useful operational data to maintain the device in an operational condition.

Amended independent claim 35 is directed to an emergency equipment station comprising a portable defibrillator, a portable fire extinguisher, wherein the portable fire extinguisher includes a fire extinguisher gauge for detecting and displaying pressure conditions of fire extinguishing material contained within a volume of a tank included in the portable fire extinguisher, one or more batteries that supply power to the portable defibrillator or portable fire extinguisher, a detector for detection of a low battery condition, a detector for detection of the presence of an obstruction to viewing of or access to the portable defibrillator or portable fire extinguisher, and circuitry for transmitting a signal to a remote station upon detection of a low battery condition, or upon detection of one or more predetermined internal and external conditions.

Cronin is understood to teach a protective defibrillator storage device with alarm signals, and Nishimoto is understood to teach an obstruction detecting apparatus. Neither reference is understood to disclose or suggest an emergency equipment station that comprises a portable fire extinguisher, as required by claim 35.

For at least these reasons, amended independent claim 35 is believed to be patentable.

Claim Rejections – 35 USC §103(a)

6. Claims 36, 37, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronin et al. in view of Nishimoto et al. as applied to claim 35 above, and further in view of Morgan et al.

The dependent claims 36, 37, and 39 partake the novelty of their parent claim, amended claim 35. Therefore they are believed to be patentable.

Double Patenting

8. Claims 1, 6-10, 18-25, 27, 28, 30-37, 39-43 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 21-32, 39-50, 70-77 of copending Application No. 10/863,668.

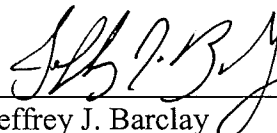
The Applicants are willing to file a terminal disclaimer to overcome the above double patenting rejection, upon the removal of the claim rejections under 35 USC §103(a). To demonstrate the Applicants' willingness, a proposed unsigned terminal disclaimer is submitted along with this response.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The required fees of \$225 for the excess claims fee and \$230 for the Petition for Extension of Time fee are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account Authorization. Please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket No. 04737-033001.

Respectfully submitted,

Date: 5 October 2007



Jeffrey J. Barclay
Reg. No. 48,950

Fish & Richardson P.C.
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John J. McSheffrey et al. Art Unit : 3752
Serial No. : 10/614,948 Examiner : Dinh Q. Nguyen
Filed : July 8, 2003 Conf. No. : 7119
Title : REMOTE INSPECTION OF EMERGENCY EQUIPMENT STATIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §§ 3.73(b) AND 1.321(b)

Pursuant to 37 C.F.R. § 3.73(b), MIJA INDUSTRIES, INC., a small corporation, certifies that it is the assignee of the entire right, title, and interest in the above-referenced application by virtue of an assignment from the inventors of the above-referenced patent application. The assignment was recorded in the Patent and Trademark Office at Reel 014869, Frame 0053 on January 12, 2004.

To the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Pursuant to 37 C.F.R. § 1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above-referenced application subsequent to the expiration date of *the patent to issue from U.S. application serial no. 10/863,668* provided that any patent granted on the above-referenced application shall be enforceable only for and during such period that it is commonly owned with *the patent to issue from U.S. application serial no. 10/863,668*.

The assignee identified above does not disclaim any terminal part of any patent granted on the above-referenced application prior to the expiration date of the full statutory term of *the patent to issue from U.S. application serial no. 10/863,668* in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term,

Applicant : John J. McSheffrey et al.
Serial No. : 10/614,948
Filed : July 8, 2003
Page : 2 of 2

Attorney's Docket No.: 04373-033001

except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of *the patent to issue from U.S. application serial no. 10/863,668*.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

The amount of \$65 for the required fee pursuant to 37 C.F.R. § 1.20(d) is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 04373-033001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

MIJA INDUSTRIES, INC.

Date: _____

JOHN MCSHEFFREY, SR.
PRESIDENT

Fish & Richardson P.C.
Telephone: (617) 542-5070
Facsimile: (617) 542-8906